

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Request for Telephone Interview

Applicant requests a telephone interview with the examiner following receipt of the present reply and amendment in order to answer any questions the examiner may have, and to consider any suggestions the examiner may offer. Applicant's agent, Robert H. Frantz, can be reached at 405-812-5613, by the examiner to indicate the examiner's choice of time and date for the telephone interview.

Rejections under 35 U.S.C. §101

In the Office Action, claims 1 - 5 were rejected under 35 U.S.C. §101, for reasons failing to produce a "real-world" result with respect to determining a revenue and making a reservation.

With respect to a tangible result of a reservation, the claims as originally filed specified that the reservation is made in a management system. The amendment made with this reply further specifies this management system to be a reservation management system, which is a well known system typically having microprocessors, memory, network interfaces, etc., and which stores reservations in databases and prints out reservations.

The present amendment also stipulates that the revenue amount is recorded, which encompasses storing the revenue amount in a database, memory, or printing it out.

For these reasons, claims 1 - 5 recite elements, steps, and limitations which produce tangible, real-world results. Withdrawal of the rejections is requested.

Rejections under 35 U.S.C. §102(e)

In the Office Action, claims 1 - 4, 6 - 9, and 11 - 14 were rejected under 35 U.S.C. §102(e) for lack of novelty as being anticipated by U.S. Published Patent Application 2002/0156672 to Burko (hereinafter "Burko").

Burko is of Questionable Standing as Prior Art

Please note that the cited published patent application was filed after Applicant's patent application, and thus its standing as prior art depends on Burko's claim of priority to a Provisional Patent Application.

MPEP 706.02 V. (D) states:

If the application properly claims benefit under 35 U.S.C. §119(c) to a provisional application, the effective filing date is the filing date of the provisional application for any claims which are fully supported under the first paragraph of 35 U.S.C. §112 by the provisional patent application.

In this case, it has not been established whether the portions of Burko's disclosure in the published patent application meet the following criteria:

- (a) whether or not the portions of disclosure are supported by the Provisional Patent Application; and
- (b) whether or not those corresponding portions of the Provisional Patent Application would have enabled one of ordinary skill in the art to make and use Burko's invention.

Whereas the Provisional Patent Application upon which Burko's standing rests is not available in the USPTO PAIR system for the Applicant to review, and whereas Provisional Patent Applications are not published, the burden is upon the examiner to establish whether or not the relied upon portions of Burko actually are supported by Burko's Provisional application.

For these reasons, Applicant requests withdrawal of the rejections for reasons of Burko not being qualified as prior art, or if the examiner maintains the rejections, Applicant requests a copy of the Provisional Patent Application to be provided in the next Office Action.

Burko Fails to Teach Several Elements of Applicant's Claims

Burko fails to teach or suggest the following steps, elements, or limitations of Claims 1 and 6:

- (a) periodically synchronizing a clone inventory database with an inventory of a reservation management system (Burko does not make a copy of an inventory);
- (b) directing a booking party to a cloned server tailored to a type of booking party where the booking party is either a wholesale booking party, an agent booking party, and a direct customer party (Burko does not have cloned servers, so content similarity is not enforced);
- (c) making a reservation in a reservation management system (Burko's invention *is* a reservation system itself, but it does not interface to or act as an intermediary between cloned servers and a reservation management system); and
- (d) determining a revenue (not a cost) to be paid to the booking party (Burko determines a cost to be charged to the booking party);

Further, in the rationale for the rejection of Claim 11 which is directed towards a system according to the invention, there were no citations to where in Burko the following elements are disclosed:

- (e) a clone inventory database;
- (f) a plurality of cloned web sites adapted to a specific type of booking party (wholesale, agent, or direct);
- (g) a content router; and
- (h) an intermediary system interfacing a reservation management system to cloned web sites.

For these reasons, claims 1 - 4, 6 - 9, and 11 - 14, as well as new claims 16 - 18, are patentably distinguished over Burko. Applicant requests allowance of claims 1 - 18.

Rejections under 35 U.S.C. §103

In the Office Action, claims 5, 10, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Burko in view of US Published Patent Application 2002/0082877 to Schiff (hereafter "Schiff"). It was reasoned that Burko fails to teach handling of hotel, travel, golf tee time, entertainment ticket, future available products, and rental cars, but that Schiff disclosed such reservations.

Schiff also fails to teach or suggest at least the following claim elements, steps, or limitations as discussed in the foregoing paragraphs:

- (a) periodically synchronizing a clone inventory database with an inventory of a reservation management system (Burko does not make a copy of an inventory);
- (b) directing a booking party to a cloned server tailored to a type of booking party where the booking party is either a wholesale booking party, an agent booking party, and a direct customer party (Burko does not have cloned servers, so content similarity is not enforced);
- (c) a clone inventory database;
- (d) a plurality of cloned web sites adapted to a specific type of booking party (wholesale, agent, or direct);
- (e) a content router; and
- (f) an intermediary system interfacing a reservation management system to cloned web sites.

For these reasons, Burko in view of Schiff does not teach or suggest all of applicant's claim elements, steps, and limitations. Applicant requests allowance of claims 5, 10, and 15.

Respectfully Submitted,

/ Robert Frantz /

Robert H. Frantz, Reg. No. 42,553
Agent for Applicant(s) Tel: (405) 812-5613
FRANKLIN GRAY PATENTS, LLC